

SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Berez et al. Attorney Docket: 2960/116
 Serial No: 10/724,010 Art Group Unit: 3733
 Date Filed: November 25, 2003 Examiner Name: Philogene, P.
 Invention: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty



**LIST OF PATENTS AND PUBLICATIONS FOR
 APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS

Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
/P.P./	DR	US 4,436,684	Mar. 13, 1984	White	264/138
/P.P./	DS	US 7,282,054	Oct. 16, 2007	Steffensmeier et al.	606/96
/P.P./	DT	US 7,534,263	May 19, 2009	Burdulis, Jr. et al.	623/14.12

U.S. PATENT PUBLICATION DOCUMENTS

Examiner Initials	Reference Number	Document Number	Publication Date	Inventor	Class/Subclass
/P.P./	DU	US 2004/0153162	Aug. 5, 2004	Sanford et al.	623/20.3
/P.P./	DV	US 2005/0143745	Jun. 30, 2005	Hodorek et al.	606/87
/P.P./	DW	US 2005/0148843	Jul. 7, 2005	Roose	600/407
/P.P./	DX	US 2008/0243127	Oct. 2, 2008	Lang et al.	606/87
/P.P./	DY	US 2008/0275452	Nov. 6, 2008	Lang et al.	606/88
/P.P./	DZ	US 2008/0281328	Nov. 13, 2008	Lang et al.	606/87
/P.P./	EA	US 2008/0281329	Nov. 13, 2008	Fitz et al.	606/88
/P.P./	EB	US 2008/0281426	Nov. 13, 2008	Fitz et al.	623/17.16

FOREIGN PATENT DOCUMENTS

Examiner Initials	Reference Number	Country Code	Document Number	Publication Date	Patentee or Applicant	Class/Subclass
/P.P./	EC	JP	1-249049 (English Abstract)	Oct. 4, 1989	Kyocera Corp	A61F 2/38
/P.P./	ED	JP	8-173465 (English Abstract)	Jul. 9, 1996	Iguchi Hiroataka et al.	A61F 2/38
/P.P./	EE	JP	9-206322 (English Abstract)	Aug. 12, 1997	Tomita Naohide et al.	A61F 2/38
/P.P./	EF	DE	3516743 (English Abstract)	Nov. 13, 1986	Staudte et al.	A61F 2/36
/P.P./	EG	EP	0337901	Oct. 19, 1989	Broc	A61B 17/14
/P.P./	EH	EP	0337901 (English Translation)	Oct. 19, 1989	Broc	A61B 17/14

Applicants: Berez et al.

Attorney Docket: 2960/116

Serial No: 10/724,010

Art Group Unit: 3733

Date Filed: November 25, 2003

Examiner Name: Philogene, P.

Invention: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty

FOREIGN PATENT DOCUMENTS

Examiner Initials	Reference Number	Country Code	Document Number	Publication Date	Patentee or Applicant	Class/Subclass
/P.P./	EI	WO	02/022013	Mar. 21, 2002	Leland Stanford Junior University	A61B 5/055
/P.P./	EJ	WO	08/0157412	Dec. 24, 2008	ConforMIS, Inc.	A61B 17/17

OTHER DOCUMENTS

Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
/P.P./	EK	Portheine et al.	"CT-Based Planning and Individual Template Navigation in TKA", Navigation and Robotics in Total Joint and Spine Surgery, Springer, 48:336-342 (2004)
/P.P./	EL	Matsen, III et al.	"Robotic Assistance in Orthopaedic Surgery: A Proof of Principle Using Distal Femoral Arthroplasty", Clinical Ortho. and Related Research, 296:178-186 (1993)
/P.P./	EM	International Searching Authority	International Search Report - International Application No. PCT/US2008/066994, dated February 19, 2009, together with the Written Opinion of the International Searching Authority, 16 pages
/P.P./	EN	Bromberg & Sunstein LLP	Amendment dated September 22, 2008, pertaining to Application No. 09/882,363, 15 pages
/P.P./	EO	United States Patent and Trademark Office	Office Action dated January 6, 2009, pertaining to Application No. 09/882,363, 9 pages
/P.P./	EP	Bromberg & Sunstein LLP	Request for Continued Examination dated July 6, 2009, pertaining to Application No. 09/882,363, 16 pages

Applicants: Berez et al. Attorney Docket: 2960/116

Serial No: 10/724,010 Art Group Unit: 3733

Date Filed: November 25, 2003 Examiner Name: Philogene, P.

Invention: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty

OTHER DOCUMENTS			
Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
/P.P./	EQ	Bromberg & Sunstein LLP	United States Patent Application – Application No. 12/361,213, filed January 28, 2009, 76 pages
/P.P./	ER	Bromberg & Sunstein LLP	United States Patent Application – Application No. 12/398,753, 141 pages

Examiner Signature: /Pedro Philogene/

Date Considered: 09/15/2009

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

☒ Exception(s) to above:

Copies of cited U.S. patents and U.S. patent application publications are not included, as the Office has not required them.

Copies of cited pending unpublished U.S. applications that are available in the USPTO's IFW system are not included. See *Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications*, 1287 O.G. 163 (Oct. 19, 2004).

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

Section 8. Translation(s) of Non-English Language Documents

NOTE: "If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in section 1.56(c), a copy of the translation shall accompany the statement." 37 C.F.R. section 1.98(c).

NOTE: "The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not in English and that the Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements for a concise explanation in section 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.

NOTE: "The examiner will indicate that the non-English language information has been considered in the same manner as consideration is indicated for information submitted in English." Notice of April 20, 1992 (1138 O.G. 37-41, 41).

[x] Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material:

Reference EC is an English Abstract of Reference B17, which was submitted in applicant's Information Disclosure Statement on March 19, 2004.

Reference ED is an English Abstract of Reference B18, which was submitted in applicant's Information Disclosure Statement on March 19, 2004.

Reference EE is an English Abstract of Reference B16, which was submitted in applicant's Information Disclosure Statement on March 19, 2004.

Reference EF is an English Abstract of Reference B1, which was submitted in applicant's Supplemental Information Disclosure Statement on March 25, 2004.

Reference EH is an English Translation of Reference EG.

(complete the following, if applicable)

[] No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

[] The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this certification is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

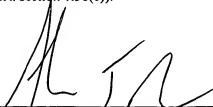
- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.



SIGNATURE OF PRACTITIONER

Alexander J. Smolenski, Jr.
(type or print name of practitioner)

125 Summer Street, 11th Floor
P.O. Address

Boston, MA 02110-1618

Reg. No.: 47,953

Tel. No.: (617) 443-9292

Customer No.: 02101

02960/00116 1028132.1